

REMARKS

This Amendment amends claims 1, 4, 6-9, 15, 18, 21, and 22 in accordance with the original disclosure. Support for the claim amendments is found, for example, in original claims 1 and 7 and in the specification at paragraphs 0037, 0038, and 0040. Claims 1-12, 15, 18, 19, 21, and 22 remain in this application.

Allowable Subject Matter

In paragraph 7 of the Office Action, the Examiner states that claims 9, 18, 21, and 22 would be allowable if rewritten in independent form. As set forth above, Applicant has rewritten claims 9, 18, 21, and 22 in independent form, as suggested by the Examiner. Therefore, claims 9, 18, 21, and 22 are believed to be in condition for allowance.

In paragraph 8 of the Office Action, the Examiner states that claim 15 would be allowable if rewritten to overcome the indefiniteness rejection set forth in paragraph 1 of the Office Action. As set forth above and discussed hereinbelow, Applicant has amended claim 15 to overcome the indefiniteness rejection (to provide proper antecedent basis). Therefore, claim 15 is also believed to be in condition for allowance.

Rejections Under 35 U.S.C. § 112

Claims 4, 6, and 15 stand rejected for indefiniteness for the reasons set forth in paragraph 1 of the Office Action. As set forth above, Applicant has amended claims 4, 6, and 15 to attend to these matters. Specifically, claim 4 has been amended as suggested by the Examiner. Claim 6 has been amended to change the term "notch" to "opening" and to provide proper antecedent basis for the claim limitations. Claim 15 has also been amended to provide proper antecedent basis.

Therefore, in view of the above amendments, reconsideration of these rejections is respectfully requested.

Rejections Under Obviousness-type Double Patenting

Claims 1-10, 12, and 15 stand rejected for obviousness-type double patenting over claims 1-20 of Applicant's previous U.S. Patent No. 6,352,278. If, in view of the above amendments the Examiner maintains these rejections, Applicant will submit a Terminal Disclaimer in the present application.

Rejections Under 35 U.S.C. § 102(b)

Claims 1-3, 5, 7, 8, 10-12, and 19 stand rejected for anticipation by U.S. Patent No. 5,071,153 to Duncan. Claims 1, 4, and 5 stand rejected for anticipation by U.S. Patent No. 3,437,355 to Jeffes. Claims 1, 4-8, and 11 stand rejected for anticipation by U.S. Patent No. 2,693,368 to Petron. In view of the above amendments, particularly those to independent claims 1 and 7, Applicant will address the patentability of the amended claims over each of these references.

Claim 1, as amended, is directed to a tow bar assembly including at least one elongated frame member. The frame member has a first member and a second member movable relative to the first member. The assembly further includes a locking device for releasably locking the first and second members in an extended position. The locking device includes a movable member adapted to extend between and contact the first and second members to maintain the first and second members in a locked relationship. A release device is mounted on one of the members to move the movable member to permit slidable movement between the first and second members. The movable member is connected to a latch plate. The release device includes a lever having a projection. The lever is pivotally mounted on one of the first and second members and the release device is configured such that pivotal movement of the lever causes the projection to contact the latch plate to move the movable member to unlock the first and second members.

Duncan is directed to a vehicle tow bar and includes (as shown particularly in Figs. 4 and 5) a locking pin 44 that extends through the bar 32 and box beam 34. The locking pin 44 has a cap 50 at one end and a coil spring 52 that abuts a wire bail 54. An enlarged head 60 is provided on one end of the locking pin 44 for grasping by the fingers of an operator to retract the locking pin from the bar 32 (Duncan at column 3, line 50 to column 4, line 3).

Jeffes discloses a connecting means having a hook 20. In one embodiment, the Jeffes device includes a lever 25 having a finger 27 and mounted on a lug 26. One end of the lever 25 has a downwardly-directed limb 28 which can be lifted by an operator to move the finger 27 from an inoperative position (Figs. 1 and 2) to an operative position (Fig. 3) in which the finger 27 projects into a hole 24 to depress a retaining pin 21 on the hook 20 (Jeffes at column 2, line 53 to column 3, line 10). In another embodiment shown in Figs. 4

and 5, a lever 35 has a finger 36 which is engageable with the head 23 of a retaining pin 21. A hook-shaped upper end 38 of the link 37 can be lifted to retract the retaining pin 21 (Jeffes at column 3, lines 34-58).

Petron discloses an adjustable draft tongue which, as shown particularly in Figs. 1-5, can include a latching pawl 23 (Figs. 1-3) or a stem 47 having a handle 49 to retract a plunger 46 (Fig. 5).

However, none of the cited references, either alone or in combination, teaches or suggests the tow bar assembly set forth in amended claim 1 having a locking device and a release device in which the locking device includes a movable member connected to a latch plate and the release device has a lever with a projection in which the lever is pivotally mounted on one of the first and second members and the release device is configured such that pivotal movement of the lever causes the projection to contact the latch plate to move the movable member to unlock the first and second members. Therefore, claim 1, as amended, is believed to be patentable over the cited prior art and in condition for allowance. Reconsideration of the rejection of claim 1 is respectfully requested.

Claims 2-6 and 19 depend from, and add further limitations to, claim 1. Therefore, since these claims depend from a claim believed to be in condition for allowance, these claims are also believed to be in condition for allowance.

Independent claim 7 is directed to a tow bar assembly comprising, *inter alia*, first and second telescopic members, with the second telescopic member slidable within the first telescopic member. The first and second telescopic members include at least one opening. A locking means is provided for releasably locking the first and second telescopic members. The locking means includes a movable member adapted to enter the openings in the first and second telescopic members to maintain the first and second telescopic members in a locked relationship. The assembly further includes release means mounted on one of the telescopic members. The locking means includes a movable member connected to a latch plate. The release means includes a lever having a projection, with the lever pivotally mounted on one of the first and second members such that pivotal movement of the lever causes the projection to contact the latch plate to move the movable member to unlock the first and second members.

As discussed above with respect to claim 1, none of the cited references teaches or suggests the locking means and release means as claimed in amended claim 7.

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Therefore, claim 7 is believed patentable over the cited prior art and in condition for allowance. Reconsideration of the rejection of claim 7 is respectfully requested.

Claims 8 and 10-12 depend from, and add further limitations to, claim 7. Since these claims depend from a claim believed to be in condition for allowance, these claims are also believed to be in condition for allowance.

Conclusion

In view of the above amendments and remarks, Applicant believes claims 1-12, 15, 18, 19, 21, and 22, as amended, are patentable over the cited prior art and are in condition for allowance. Reconsideration of the objections and rejections and allowance of all of claims 1-12, 15, 18, 19, 21, and 22 are respectfully requested.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By



Lester N. Fortney
Registration No. 38,141
Attorney for Applicant
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com